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*Counsel for Defendants  
GH Express Cali Inc. and Manjinder Kaur*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

PROCAPS LABORATORIES, INC, a  
Nevada corporation  
Plaintiff,

v.

GH EXPRESS CALI, INC, a Foreign  
Corporation; MANJINDER KAUR d/b/a  
GH EXPRESS; DOES 1-10, inclusive; and  
ROES 1-10 inclusive  
Defendants.

GH EXPRESS CALI INC,  
Counterclaimant,

v.

PROCAPS LABORATORIES INC,  
Counter-Defendant.

Case No. 2:21-CV-02016-CDS-BNW

**EMERGENCY MOTION TO  
WITHDRAW AS COUNSEL OF  
RECORD FOR GH EXPRESS CALI,  
INC AND MANJINDER KAUR ON  
ORDER SHORTENING TIME**

COMES NOW Amy J. Smith, Esq. the law firm of AJS Legal, as counsel of record for Defendants, GH Express Cali Inc. and Manjinder Kaur in this matter and respectfully moves this Court for an Order permitting her to withdraw as counsel of record in this matter. This Motion is made based upon Nevada Supreme Court Rules (SCR) 46, Local Rule of Practice IA

11-6, Nevada Rules of Professional Conduct (NRPC) 1.16, the following Memorandum of Points and Authorities, and the attached declarations.

Dated this 23rd day of November 2022.

**AJS LEGAL**

/s/ Amy J. Smith

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*Counsel for Defendants  
GH Express Cali Inc. and Manjinder Kaur*

**ORDER SHORTENING TIME**

COMES NOW Amy J. Smith, Esq., the law firm of AJS Legal, and hereby moves this Honorable Court for an order authorizing her withdrawal as counsel of record for Defendants, GH Express Cali Inc. and Manjinder Kaur on an order shortening time. This Motion is made and based on the attached Memorandum of Points and Authorities, the pleadings and papers on file herein, the declaration of counsel contained herein, and the oral argument of counsel as the Court may entertain at any hearing on this Motion.

DATED \_\_\_\_\_

\_\_\_\_\_

**DECLARATION OF AMY J. SMITH, ESQ.**

I AMY J. SMITH, ESQ. ("Counsel"), declare under penalty of perjury under the laws of the United States of America that the following statements are true and correct:

1. The law firm of AJS Legal is counsel of record for Defendants, GH Express Cali Inc. ("GH Express"). and Manjinder Kaur ("Kaur") d/b/a GH Express.

1 2. I am an attorney with the law firm of AJS Legal.

2 3. I am counsel of record for Defendants, GH Express and Kaur in the above-captioned  
3 case.

4 4. I make this declaration in support of the foregoing Motion to Withdraw as Counsel of  
5 Record.

6 5. I make this declaration under penalty of perjury.

7 6. I am over the age of 18, mentally competent, and have personal knowledge of the facts  
8 set forth herein, except where noted upon information and belief, and, if called upon to testify  
9 could and would do so.

10 7. An Order Shortening Time is necessary because the case is in active litigation.

11 8. Based on my review of the file and outstanding invoices, I am able to state that  
12 Defendants, Kaur and GH Express have failed to fulfill its contractual obligation to pay AJS  
13 Legal's invoices submitted in this matter.

14 9. To date, Kaur and GH express have not cured its failure to fulfill its contractual  
15 obligations and AJS Legal has been forced to inform GH Express and Kaur that it would  
16 withdraw as counsel for this action.

17 10. Additionally, AJS Legal has informed lead counsel, Jeff Reich, Esq. of The Reich Law  
18 firm of Kaur and GH Express's failure to fulfill its contractual obligations.

19 11. Kaur and GH Express's last known address and contact information is 4460 W Shaw  
20 Ave, Fresno, CA 93722, USA.

21 12. Kaur and GH Express's last known phone number is (559) 284-3344.

22 13. GH Express's last known email address is ghexpress@yahoo.com.

23 14. Counsel does not believe the Defendants have obtained new counsel in this matter.

24 15. However, Counsel expects new counsel to be retained.

25 16. AJS Legal has communicated with the Defendants, on many occasions, concerning these  
26 outstanding invoices and the status of payment.

27 17. Kaur and GH Express has, to date, failed to pay for these invoices, placing AJS Legal in  
28 significant financial hardship.

18. Based thereon, the attorney-client relationship has degraded to a point where the continued representation of Kaur and GH Express by AJS Legal is no longer possible.

19. AJS Legal is informed and believes that the withdrawal can be accomplished without adversely affecting the interests of Kaur and GH Express or causing any delay in the trial or any hearing in this case.

FURTHER, your declarant sayeth naught.

/s/ Amy J. Smith  
AMY J. SMITH, ESQ.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

#### **I. Statement of Relevant Facts and Procedural History**

On November 8, 2021, Plaintiff, Procaps Laboratories Inc (“Procaps”) filed its complaint in the United States District Court District of Nevada in case number 2:21-CV-02016-CDS-BNW. Defendants, Manjinder Kaur (“Kaur”) and GH Express Cali Inc. (“GH Express”) have answered the complaint. Discovery is open in this action. The deadlines and scheduled depositions, in this case, are as follows:

Deadline to send non-party Subpoenas	November 30, 2022
Deadline to disclose initial experts	December 19, 2022
Deadline to disclose rebuttal experts	January 19, 2023
Deposition of W.J Beitler	February 7, 2023
Discovery Cut-off deadline	February 20, 2023
Deadline to file dispositive motions	March 20, 2023
Deadline to submit proposed joint pre-trial Order	April 19, 2023

Kaur and GH Express has been unable to fulfill its obligation to AJS Legal as described in the Declaration of Amy J. Smith, Esq. As a result, the attorney-client relationship has degraded to a point where representation is not possible. Therefore, Counsel respectfully requests this Court grant its Motion to Withdraw as Counsel of Record.

## II. Withdrawal Is Permitted Under the Circumstances

Local Rules of Practice IA 11-6 permits an attorney to withdraw by Motion and order of the court. Similarly, NRPC 1.16(b) permits an attorney to withdraw from the representation of a client under the following conditions:

- (1) Withdrawal can be accomplished without material adverse effect on the interests of the client;
- (2) The client persists in a course of action involving the lawyer's services that the lawyer reasonably believes is criminal or fraudulent;
- (3) The client has used the lawyer's services to perpetrate a crime or fraud;
- (4) A client insists upon taking action that the lawyer considers repugnant or with which the lawyer has fundamental disagreement.
- (5) The client fails substantially to fulfill an obligation to the lawyer regarding the lawyer's services and has been given reasonable warning that the lawyer will withdraw
- (6) The representation will result in an unreasonable financial burden on the lawyer or has been rendered unreasonably difficult by the client; or
- (7) Other good cause for withdrawal exists.

Here, upon information and belief, no attorney has been retained by Plaintiff to represent his interest, so an order of the Court granting withdrawal is necessary. Plaintiff is still represented by lead counsel, Jeff Reich, Esq. of The Reich Law firm. Jeff Reich, Esq will have to find new counsel to associate with in Nevada. However, the Parties have not exchanged discovery requests, and the next deposition is not scheduled until February 7, 2022. Consequently, Kaur and GH Express still have over three (3) months before it has to make an appearance in this case. Furthermore, Jeff Reich, Esq. can register with the State Bar of Nevada to participate in discovery. Therefore, there will be no prejudice to Plaintiff as he will either have enough time to obtain new counsel or to get acquainted with his requirements to proceed pro se.

Counsel will serve a copy of this Motion on Plaintiff and all other parties to this action upon filing. Consequently, counsel respectfully requests that this Court grant its motion to withdraw as counsel of record for Plaintiff in this matter.

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1 **III. Conclusion**

2 Based on the foregoing, Amy J. Smith, Esq., of the law firm AJS Legal respectfully moves  
3 this Court to GRANT her Motion to Withdraw as Counsel or Record.

4 Dated this 23rd day of November, 2022.

5 **AJS LEGAL**

6 /s/ Amy J. Smith

7 Amy J. Smith, Esq.,  
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11 Telephone: 725-214-0460  
12 amy@ajslegalnv.com  
13 *Counsel for Defendants*  
14 *GH Express and Manjinder Kaur*

15 **ORDER**

16 IT IS ORDERED that ECF No. 54 is GRANTED.

17 IT IS FURTHER ORDERED that lead counsel must associate with another  
18 Nevada attorney under LR IA 11-2(d) by 12/16/2022.

19 IT IS FURTHER ORDERED that counsel Amy Smith must serve a copy of this  
20 motion and order on her clients.

21 IT IS SO ORDERED

22 DATED: 5:32 pm, December 01, 2022

23 

24 BREND A WEKSLER  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28

**CERTIFICATE OF SERVICE**

Pursuant to FRCP 5(b), I hereby certify that the undersigned electronically filed the foregoing **EMERGENCY MOTION TO WITHDRAW AS COUNSEL OF RECORD FOR GH EXPRESS CALI, INC AND MANJINDER KAUR ON ORDER SHORTENING TIME** with the Clerk of the Court of the United States District Court for the District of Nevada by using the CM/ECF.

I further certify that all participants in the case are registered CM/ECF users and that service.

/s/ Amy J. Smith  
An Employee of AJS Legal